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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,913	· 12/11/2003	Troy J. Tranter	S-97,170	8373
31972	7590 08/17/2005		EXAM	INER
	TATES DEPARTMEN ENDENCE AVENUE, S	JOHNSON, E	JOHNSON, EDWARD M	
ATTN: GC-62 (HQ) MS 6F-067			ART UNIT	PAPER NUMBER
	WASHINGTON, DC 20585-0162		1754	

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
	10/748,913	TRANTER ET AL.			
Office Action Summary	Examiner				
,		Art Unit			
The MAILING DATE of this communication app	Edward M. Johnson	1754			
Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filled after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filled, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).					
Status					
1) Responsive to communication(s) filed on 12 July 2005.					
2a) This action is <b>FINAL</b> . 2b) ⊠ This action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims					
4) Claim(s) 1-29 is/are pending in the application.					
4a) Of the above claim(s) <u>14-22</u> is/are withdrawn from consideration.					
5)⊠ Claim(s) <u>28 and 29</u> is/are allowed.					
6)⊠ Claim(s) <u>1-7,23 and 24</u> is/are rejected.					
7)⊠ Claim(s) <u>8-13 and 25-27</u> is/are objected to.					
8) Claim(s) are subject to restriction and/or election requirement.					
Application Papers					
9)☐ The specification is objected to by the Examiner.					
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).					
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.					
Priority under 35 U.S.C. § 119					
12)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)□ All b)□ Some * c)⊠ None of:					
1.⊠ Certified copies of the priority documents have been received.					
2. Certified copies of the priority documents have been received in Application No					
3. Copies of the certified copies of the priority documents have been received in this National Stage					
application from the International Bureau (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a list of the certified copies not received.					
American					
Attachment(s)  1) Notice of References Cited (PTO-892)	A) [] Inter-time o	(DTO 442)			
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date					
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 12/03	5) Notice of Informal P 6) Other:	atent Application (PTO-152)			
J.S. Patent and Trademark Office		rt of Paper No./Mail Date 20050808			

Application/Control Number: 10/748,913

Art Unit: 1754

### DETAILED ACTION

Page 2

## Election/Restrictions

1. Applicant's election of claims 1-13 and 23-29 in the reply filed on 7/12/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

## Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Russia on 12/18/02. It is noted, however, that applicant has not filed a certified copy of the Russian application as required by 35 U.S.C. 119(b).

## Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 1-7 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. WO00/13775 (US 6,710,013 used as translation).

Application/Control Number: 10/748,913 Page 3

Art Unit: 1754

Regarding claims 1 and 23, Kato '013 discloses a method of making an exhaust emission control catalyst structure comprising impregnating glass fibers.

Kato fails to disclose perforated hollow microspheres obtained from fly ash.

Anshits '162 discloses perforated hollow microspheres obtained from fly ash.

It is considered that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the perforated hollow microspheres obtained from fly ash from Anshits in the method of making a adsorbent catalyst of Kato because Anshits discloses his porous material useful as supports for catalyst and adsorbents for immobilization of liquid radioactive waste (see abstract).

Regarding claims 2-7 and 24, Kato discloses impregnating glass fibers and cloths, which would obviously, to one of ordinary skill, at least suggest repeating and a vacuum to impregnate the active ingredient into the mesh of the disclosed fabrics.

### Allowable Subject Matter

- 5. Claims 28-29 are allowed.
- 6. Claims 8-12 and 25-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten

Art Unit: 1754

in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: Although such compounds are known for treating radioactive waste (Tranter et al.), it would not have been obvious to one of ordinary skill in the art at the time the invention was made to use the compounds of claims 8-12 as extractants impregnated on the glass microspheres obtained from fly ash in the method of making emission control catalyst adsorbents of the prior art. The prior art also does not disclose or suggest the AMP impregnated glass microsphere matrix obtained from fly ash of the instant claim 28.

#### Conclusion

- 8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Che et al. US 4,788,164 discloses inorganic-organic composite compositions comprising impregnated monoliths.
- 9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward M. Johnson whose telephone number is 571-272-1352. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley S. Silverman

Application/Control Number: 10/748,913

Art Unit: 1754

can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edward M. Johnson Primary Examiner Art Unit 1754 Page 5

**EMJ**